

Planning Board Minutes – September 20, 2018
Planning Board
Town of Riverhead
Suffolk County
Riverhead, New York

Minute summary of September 20, 2018 Town of Riverhead Planning Board meeting, held at the Town of Riverhead Town Hall, Riverhead, New York.

Chairman Stanley Carey called the meeting to order at 3:00 p.m.

PRESENT:

Stanley Carey, Chairman
George Nunnaro
Richard O'Dea
Ed Densieski
Joseph Baier

ALSO PRESENT:

Jefferson V. Murphree, AICP
Greg Bergman
Richard Ehlers, Esq.

3:00 PM MEETING

PLEDGE OF ALLEGIANCE

DISCUSSION ITEMS

1. NERP Holdings/Tractor Supply – Continued discussion of a final site plan application including a final site plan and construction phasing plan which seeks approval to develop a 5.161 acre portion of a subdivided property, particularly identified as SCTM No. 600-116-1-1 and located at 4331 Middle Country Road, Calverton, NY, with a four building campus style development for the operation of retail businesses consisting of a 19,097 sq. ft. Tractor Supply Co. building with an attached 15,000 sq. ft. fenced outdoor sales area, a 9,450 sq. ft. retail building (tenant as of yet unidentified), and two buildings of 4,000 sq. ft. each (tenants as of yet unidentified), totaling 51,547 sq. ft. of retail space, along with parking, landscaping, sanitary, and lighting improvements. (Greg Bergman)

Eric Meyn, 2929 Expressway Drive North, Hauppauge, and Alec Kasisksi of Bohler Engineering and Mark D'Addabbo, NERP Holding Acquisitions Corporation, 150 Hartford Ave, Wethersfield, CT were present for the discussion. Mr. Bergman stated there were a couple of issues to address. One of Mr. Gaudiello's comments when they issued the subdivision approval was that he recommended radiuses be added to the northeast and northwest corners of parcel A and C respectively. The reasoning for this was if the back portion (the Sky Material site) was ever subdivided, there would be curbing and public

improvements in that area. When the engineers looked at that, it would require going back to the Health Department. It would require redoing the contract with Tractor Supply. Mr. Bergman spoke with Mr. Ehlers, and it was decided they can show radiuses here for a future dedication which would address the issue if there is a subdivision; it won't give them the setback with dealing with Health Department and having to redo the subdivision map. If the board agrees, they can give metes and bounds for radius descriptions and call it an area for a future dedication. Mr. Meyn added that in the future, should the other parcel to the rear come in, it can be dealt with at that time. Mr. Carey asked about the mountable curbs the board requested. Mr. Bergman answered yes, it will be addressed in the site plan. As far as the berms and landscaping, Mr. D'Addabbo stated he would not like to do the berm. They had approval without having to do it. He does not want to impact visibility as a retailer. There are a number of trees already. Mr. Densieski added that he is not sure the board asked for a berm. The board wants the public to see what they have, just not the parking lot. The board was asking for a two foot raise. Mr. D'Addabbo questioned if the board wants a berm or not. Mr. Carey responded no, they just want a two foot high planting. Mr. Meyn added that they are relatively flat right now, but the plantings will be two to three feet high each. Can they compromise and do a foot? Mr. Densieski noted that if you go down Route 58, you can see the board wants to hide the parking, not the business. Mr. D'Addabbo responded that these are the trailers; the parking lot is back, the building line is 60 feet. They are probably 80-90 feet before you hit parking spaces. It is pretty far off the road. Mr. Nunnaro asked if what they are saying is that it will be seen anyway. If you're not right on the road, you're going to be looking at it. Mr. D'Addabbo responded yes, plus when you're in a car it's a different view. Mr. Carey asked if the applicant was okay with one foot, then. Mr. D'Addabbo pointed to Mr. Meyn indicating he had said that. Mr. Densieski stated that two feet is not crazy. Mr. Nunnaro added that he believes what they are saying is that they are 80 feet back from the road, so if you put two feet, you're still going to see the parking. Mr. Densieski stated he would support it no matter what, but he would suggest two feet; he will go with whatever the board wants. He predicts this will be the number one Tractor Supply anywhere; if you shield the parking, it is better. Mr. Kasisksi stated that the curb line is about 84.2 feet; they are already about 2 feet down at the center of the parking lot. No one will park in the display area by the road, so you're already 2 feet down. Mr. Bergman asked if the board is okay with plantings as is; they responded yes. He then asked if the board would be okay with a single row of arborvitaes on the eastern buffer landscaping side or do they prefer a double. The Town Code did require 10 feet, but it gives discretion to the board. Mr. Meyn then stated they acknowledged the 10 foot requirement, a staggered row might look best. Mr. Carey asked what the reason to not follow Town Code would be. Mr. Meyn explained that it hasn't come up as of yet; they are not arguing against it. It is just being addressed now. Mr. Carey added if there is not a reason to vary from the code, he feels they should abide by it. Discretion is if you have a good reason, and Mr. Carey does not hear any good reason. Mr. Meyn suggested that they have a dense forest next to them which is the reason they didn't propose it, but they will have a buffer along that side of the property. Mr. Carey questioned whether it is a dense forest or nuisance vegetation. Mr. Meyn answered that it is nicer as you go back. Mr. Murphree added that can be a problem; they had that problem with PODS. Mr. Bergman asked if they provide a staggered row of arborvitaes along the eastern boundary, will that be okay to which the board responded yes.

Mr. D'Addabbo spoke with Mr. Montecalvo, and he was fine with the radiuses; he did not think the future dedication would be a problem. Mr. D'Addabbo stated he would like to speak about the elevations. Someone asked for a parapet along the building. Mr. Bergman explained that it was the Architectural

Review Board. Mr. D'Addabbo added that they are advisory, only. Can the board look at the parapet the ARB suggested. The elevation is almost like a bird's eye view at the height of the sign. They didn't want the HVAC visible. Mr. D'Addabbo then showed the plans to the board. He believes that architecturally what they are showing is more balanced. It is out of proportion the way the ARB recommended it. Mr. Bergman clarified what was in each plan. Mr. D'Addabbo stated they drew it with extra courses of block to show the change ARB recommended, but they think it is too stretched out. Mr. Murphree asked if they are saying with 100% certainty that you will not see HVAC. Mr. D'Addabbo answered that it will not be visible unless you go on the roof. Mr. Bergman stated the ARB requested a raised parapet, and they are against the raised berm. Mr. Murphree stated they can go with what they are proposing if they don't see the HVAC from the road. If it is visible, they can bring it back and revisit it. Mr. Carey stated that if the concern was seeing the HVAC, and they are saying you cannot see it... Mr. D'Addabbo answered that he thinks it is balanced. Mr. Carey asked if he thought it is not visible to which Mr. D'Addabbo answered that he didn't think anyone will see it. The units' elevations are probably 24 feet. Mr. Meyn added that visibility from the road is questionable. The road is at 84 feet; the berm is at 84. It would be tough to see them. Mr. D'Addabbo mentioned that some places don't like fences either because it draws your eye to it more. Mr. Bergman asked if the board is okay without the raised parapet; they agreed. Final approval is still on hold, pending approval of the SWPPP. They already addressed the subdivision, and they can proceed with the Health Department. Mr. Murphree asked if they had a SEQRA determination yet to which Mr. Bergman answered yes.

2. 406 Osborn Avenue – Discussion of a preliminary site plan application to develop a vacant parcel of land with a 2-story, 9,199 sq. ft. mixed use building with approximately 3,983 sq. ft. of retail on the ground level, and six (6) residential apartment units on the second floor. The application is also proposing landscaping, lighting, and parking improvements, as well as a connection to the Riverhead Water District and connection to the Riverhead Sewer District. The subject parcel, identified as SCTM No. 600-126-1-6, is located on the northwest corner of the intersection of Osborn Avenue and Pulaski Street, Riverhead, and is located in the Village Center (VC) zoning use district. (Greg Bergman)

Thomas Kramer, North Country Road, Miller Place, and Robert Gruber, 476 Expressway Drive South, Medford were present to discuss the application. Mr. Bergman stated the application as above. The subject location is a vacant 0.488 parcel on the northwest corner of the intersection of Pulaski Street and Osborn. The sole improvement is the Polish Town sign. It is VC zoning which permits retail stores and upstairs apartments. Surrounding uses in the area include a single family residence to the west, a Town owned parking lot to the north. Pulaski Street School is across the street to the east, and a shopping center to the south across Pulaski Street. It is an Unlisted action for SEQRA. A determination of significance is withheld pending additional information. As far as access, the site plan shows a 24 foot wide curb-cut on Osborn which is currently the only access to and from the site; it was presumably done to prevent a cut-through. Upon review of the plans, he noted that having one access point will be problematic for trucks for the tenants. Garbage trucks will also have difficulty navigating the site. Staff recommends a curb-cut from Pulaski; this was echoed by the Highway Superintendent. All proposed curb-cuts and work within the right-of-way will require permits from the Highway Department. The Polish Town sign will be relocated and turned at a 45 degree angle. It is an important cultural landmark in the Town. The applicant should consult with the Polish Town Civic Association. As Pulaski Street School is across Osborn to the

east, the application should be referred to the Riverhead school district. The increase in traffic must be analyzed to see if there are additional safety measures required, i.e. additional school crossing guards. The lighting that is proposed on the site plan shows four building mounted light fixtures; they are the sole fixtures being proposed, and they have a color temperature of 3000 K. They need to show the height of the proposed fixtures on the plan with a maximum height of 16 feet. There does appear to be sufficient lighting for the walkways and areas immediately adjacent to the building. At other parking stalls, there is no lighting, so it is recommended that lighting be placed there. The dumpster enclosure is proposed in the northwest corner of the parking area with a six foot high vinyl fence screening with privacy slats. The proposed plants must be listed and identified. Small edits need to be made. For the landscaping on site, they are proposing six green vase trees. There are three along the frontage with Pulaski and three along the frontage with Osborn. Also proposing eight lime mound bushes and four mobel pine bushes and shamrock inkberry bushes at the southwest corner. The site plan revisions need to provide additional landscaping. As the building is only ten feet off of the property line, they must make the building seem less imposing with plantings in attractive colors. Mr. Baier asked what the condition of the sidewalks is to which Mr. Bergman explained that Highway wants the sidewalks around the property should be replaced and the curbing along Pulaski Street should be redone. Mr. Carey asked how tall the green vase trees get in relation to the lighting; Mr. Bergman will find that out. Mr. O'Dea asked what the parking stall dimensions are. Mr. Bergman stated that the plan they have has double stalls, but it is not up-to-date. Staff recommended base plantings at the base of the Polish Town sign. The stalls are proposed as 9 x 20 as long as they are double striped 9 (which is allowed), but handicapped stalls must be 10 x 20. Mr. Densieski stated he wants 10 x 20 stalls. Mr. Carey asked if they would meet requirements if they used 10 x 20 stalls to which Mr. Gruber explained they would be three short. Mr. Densieski stated that townships up west approve it, and he does not like it. Mr. Carey asked again how many short they would be to which Mr. Gruber answered at least three. Mr. Densieski stated that there is a mechanism in the code that allows you to pay to reduce the parking requirement. Mr. Kramer stated it is paved; Mr. Carey answered that what is connected to them is not paved. Mr. Bergman stated that even if there is a Town owned parking lot; they don't have the authority to utilize that in lieu of parking on that site.

Mr. Densieski asked if there is any way they can incorporate ethnic ideas to the design being it is Polish Town. This is a square building with square windows. Mr. Carey agreed that the view from Osborn is lacking; it does not look nice. Mr. Gruber stated he will do something, make some changes. Mr. Densieski added that he would like to see ethnic touches being it is in Polish Town, maybe shutters on the windows. This is bland, kick it up a notch. Mr. Gruber stated that the buildings over there are pretty boxy. Mr. Densieski replied if you went to Martha's Vineyard, you would never see this; everyone comes to Riverhead and just has... Mr. Gruber stated the building itself is square.

Mr. Kramer suggested throwing some decorative touches to dress it up; Mr. Bergman added that they will get comments from the ARB and then show the revised plans. Mr. Densieski asked how long they have been there and owned the property to which Mr. Kramer said they recently bought it. Mr. Denieski stated that Mr. Carey has a good point; they want to make this better. Mr. Bergman noted the plan says there is a bike rack on sheet S-2; it needs to be shown on the plan if they are going to have it. Mr. Gruber asked if they would mind one there. Mr. Bergman asked what corner? Mr. Gruber answered Osborn. Mr. Bergman said it is okay if it can be located where it will not interfere with traffic, closer to the building by the sidewalk. The western property boundary on page 5 of the staff report shows that the subject parcel shares

a property boundary with a single family residence. The plan is to keep the existing vegetation buffer, and there is no proposed additional screening or landscaping. The trees along the western boundary are mature and provide screening, but it is unclear if utilizing the existing buffer is appropriate being the trees are not shown on the survey. They should be flagged and shown on the survey. If they are on the applicant's parcel, Town Code requires a six foot stockade fence between commercial and residential, but the trees might be acceptable. Mr. Densieski asked if it will be one bedroom or two. Mr. Gruber pointed out one bedrooms and a studio. 600 something square feet, 700, 638, etc. Mr. Bergman noted that the northern property boundary is not posing screening between the Town parking lot and the parcel. Snow removal may be an issue if they do landscaping and fencing; they will need to come up with a solution. If it is just a fence, they need adequate removal on both sides, the subject parcel and the Town parking lot. It looks like probably only 3-4 feet between the property line and the proposed curbing. Mr. Kramer stated they will probably be short on the parking; they would like a cross flow back and forth, providing...possibly a split-rail fence with gaps so people can walk through. He added that most things Mr. Bergman talked about, Mr. Gruber was able to get into the plans. Mr. Carey asked if the Town has any plans for the parking lot or Highway comments. Mr. Woodson, Highway Superintendent, did not make comments about that parking lot. Mr. Baier asked where the entrances are. Mr. Gruber then showed one entrance on the west side and a second egress on the Osborn side; there are entrances from the parking lot on the north side and Pulaski Street. Mr. Bergman asked if they have the updated plan with shrubs on the northern boundary. Yes, they do; they put low shrubs to soften it. Mr. Gruber was thinking about an easement to the north; there were earlier comments from the preliminary plan where someone wanted an easement on the property to the east. Mr. Bergman stated it was recommended as a future cross access. The western property cross access worked out because there's no parking. To the north you will lose two spots, so he is not sure that will work out. Mr. Gruber said they can change the parking layout which may change things. There is a telephone pole there. If they were to come straight out, to move the pole would be expensive. If they had a cross access here (points to the plan), they could have a different traffic aisle. The entrance can be moved and it opens up the parking lot. Mr. Carey stated he thought they did not want people cutting through; that's why they didn't want it on the north side. Mr. Kramer answered they had discussions about it only providing one access to eliminate the cut through. He and Mr. Gruber talked about leaving it like that. It is narrower, 24 feet wide. If they make it one way in, the garbage truck can go straight in and out. They don't want anyone coming out this way. They can add "Do Not Enter" signs. Mr. Carey asked about the flow of traffic in relation to the light on Osborn. Someone heading north on Osborn that is wanting to make a left, what will that do if the light is green? How close is it to the light? Mr. Gruber stated it is about 100 feet. Mr. Bergman mentioned the proposed access and added that the Town Code requires 75 feet from intersection; they exceed that. Mr. Carey noted that if you made it to be an entrance only, that would help with the dumpster. Mr. Nunnaro would like to see some speedbumps in there. Mr. Gruber informed them that he can make it narrower so it is one way in with no exit. Mr. Bergman just wants to be sure the garbage truck can get in. He added that the plans should show the 30 foot visibility triangle at the intersection, just to demonstrate that the Polish Town sign is not interfering with visibility. Mr. Nunnaro asked if they are proposing a one way out to which they responded, no, a one way in. The garbage trucks can come in one way and head out the other. Mr. Bergman asked the board to confirm that they do want the parking stalls to be 10 x 20 feet; they agreed. Supplementary guidelines...one of them dealt with the principal building entrance shall front primary street frontage and sidewalk. It is not feasible to have entrances on the frontage with the street. The main entrance will be from the parking lot. It is also required for at least 25% of the linear width of the front façade to be comprised of windows. Comments

will be provided with revised drawings. The Building Department comments touched on parking stall size, and the fire and building code stuff. The water district needs to see more details as far as water service, size, where the RPZ will be. They will need an RPZ application and key money fees. The Suffolk County Health Department approval will be required for water and sanitary connections. This has not gone in front of the ARB yet. Fire Marshal review is pending, as well as the Town Attorney review of the title report. Mr. Gruber stated the RPZ valves are inside the building. They can address more when they review revised drawings and elevations. Mr. Kramer would like to provide some separation between the two...and access back and forth. Mr. Bergman stated that will create gaps in the fence where people are walking into parking spots. Mr. Kramer took a look at the staff report and tried to address everything in it.

3. Lavender by the Bay West Farmstand – Discussion of a farm stand application seeking approval to erect a farmstand consisting of two cargo containers, a 30ft. by 40 ft. retractable canopy, an asphalt apron, and parking area with paved handicapped stalls on a 35.5 acre parcel located on the northwest corner of the intersection of Middle Country Road and Manor Lane, Calverton. The parcel has a portion of the development rights sold, and the parcel is split zoned Rural Corridor (RLC) and Agricultural Protection (APZ), with the farm stand improvements being proposed on the APZ zoned portion of the parcel. The subject property is particularly identified as 600-99-2-19 (Greg Bergman)

Patricia Moore, Esq., Mr. Serge Rozenbaum and his son, Hanan, were present for the discussion. Lavender bundles were distributed to all members present. Mr. Bergman explained the application as noted above. He added that the purpose is to sell lavender and lavender related products. Proposed farm stand consists of two eight foot by forty foot cargo containers and a thirty foot by forty foot retractable fire-retardant canopy, and a portable lavatory is also proposed on site for customer and employee use. The subject parcel is a 35.53 acre parcel on the northwest corner of Middle Country Road and Manor Road. It is split zoned with the southernmost 600 feet zoned Rural Corridor and the remainder is APZ. He stated that the applicant previously cleared the parking area and placed a storage area in parking. He reviewed the site plan and EAF; there were some small discrepancies in the short EAF. They need to be updated. As proposed, this is a Type 2 with no coordinated environmental review required. Mr. Baier asked if this was subdivided to which Mr. Bergman explained that it is forthcoming. The parcel was subject to TDRs by Planning Board resolution 2015-29 dated April 16, 2015. The sale of the development rights resulted in the preservation of 24 acres of farmland which consisted of the northernmost 17.8 acres of the site, identified as lot 3 on the site plan, as well as a 6.1 acre parcel to the north beyond power lines. That parcel is not shown on the plan. A farm stand is proposed with the pending subdivision. Lots 1, 2, and 3 are the proposed subdivision lot lines. Right now it is all one parcel, but after the subdivision, there would be a 6.6 acre parcel with TDRs intact. Right now the plan is showing a 25 x 25 asphalt apron at the Manor Road curb-cut designed by Planning and Highway. It will help prevent gravel from being tracked in to the Manor Road right-of-way. The proposed curb-cut will require a permit from the Highway Department. There are 68 proposed parking spaces and 4 handicapped stalls. For farm stands, a specific parking requirement is not spelled out in the code. If you considered it a commercial or business otherwise not expressly provided for, it would require one space for every 300 square feet. The total canopy area would be 1800 square feet, which would be 7 parking spaces; they exceed the parking requirement. Mr. Carey asked how successful the business in East Marion is to which Mr. Rozenbaum answered they have

something spectacular and unique. No one grows this. People want to be there and take pictures when it is in bloom. Seven parking spots is not enough. They are projecting that even if 64 spots are not good, they have more room. They have grassland; they can expand the parking. Mr. Carey stated that is why he asked about East Marion. The board wants enough parking so cars can get off of the road. With Splish Splash in the summertime, Mr. Carey does not want to see an issue with that intersection. Mr. Murphree asked when harvest time is. Mr. Rozenbaum answered that it is the end of June to end of July. Mr. Bergman asked how many parking stalls are at the East Marion site; Mr. Rozenbaum stated about 60-100. Mr. Bergman asked if there have been any issues with that. Is there parking on the street? Ms. Moore explained that there should not be parking on the street. Mr. Rozenbaum stated they have only planted one particular area. The parking lot they have is only half, and they can expand. Mr. Bergman added that as the business gets established, if it is found that people are parking on the street, there may be a condition to extend the parking lot further. Mr. Hanan Rozenbaum noted they have been in East Marion for 15 years and it is established. They just started to plant now in Riverhead and it will take two to three years before it is magnificent. Mr. Densieski noticed the plan says there is one port-o-potty. Mr. Rozenbaum responded that they will have four, whatever they need to have. Mr. Bergman noted that the plan proposes two right now. Mr. Rozenbaum is happy to share what is happening. It's something special; great for them and great for the Town. Mr. Carey agreed, but the traffic is a concern for him; a thousand people turn out on a hot summer day by Splish Splash. Mr. Bergman added that staff had questions about cooking and heating equipment; the site plan says there will be no cooking or heating equipment under the canopy. Will there be any of this equipment? Mr. Rozenbaum replied there will not. Mr. Bergman made note that it would require additional Fire Marshal review if they do that. Ms. Moore explained that this is phase 1; not much can be done other than the planting and having a farm stand. They cannot address structures until the subdivision is approved. The portion the structure is on is about 606 acres and is in APZ zoning and the uses are limited. It will be addressed in the subdivision. Ms. Moore asked where they are with the subdivision. Mr. Bergman is waiting for additional information from the surveyors; he received it and it is under review. It will probably be within a month. The farm stand application was referred to the Agricultural Advisory Committee. He spoke with Dave McClarin, and the committee will discuss the matter at their next meeting on October 8th. The Ag Advisory chairman will try to talk to the members prior to the meeting. Because the parcel has frontage on Middle Country Road, the application was referred to NYSDOT. The access proposed is more than 600 feet away from Middle Country Road. Approval from the board must take into consideration any DOT comments. Fire Marshal permits will be required to construct a canopy as well as outdoor storage. Ms. Moore asked at what point she can go to the Highway Superintendent to obtain the permit to which Mr. Bergman answered she can start the process now. Mr. Densieski asked if deer eat lavender; Mr. Rozenbaum told him no, and lavender is sensitive to our soil. They lost 20% of the field last winter; it is also sensitive to fungus, clay and water. Mr. Bergman closed by reiterating they are waiting for Ag Advisory and NYSDOT comments.

4. Subdivision Map of Demchuck Estates aka "Vegequeen" – Review and discussion about the location of agricultural barns, greenhouses and other structures shown on a survey as required in the Deed of Conservation Easement as amended by Planning Board Resolution No. 2016-0064 that was approved on July 7, 2016. (Jefferson V. Murphree, AICP)

Vic Prusinowski was present for this discussion. Mr. Murphree stated that this was the question hanging on for years about the location of six greenhouses and the barn. He showed the mylar that was submitted in July 2016. They finally got a resolution on. Last year he received the mylar. On October 11, 2017 he sent a letter of review regarding the mylar that he went over with Mr. Prusinowski. Mr. Prusinowski added they corrected a fence, but it was not shown there. They wanted to come and resolve the intrusion on the easement zone. In review with Brad Hammond, they discussed a solution of a building and adding a transformer on the property which encroached upon the easement zone. They are proposing the existing easement and a proposed easement. Young & Young came up with a plan to satisfy and pick up the extra. It is an even swap; the amount of property that is protected is the same. To move the transformer is about \$40,000. The rest of the items on the report from Mr. Murphree have been resolved. They did put up pole lights. The building permit was suspended; he allowed him to continue with the greenhouses and the pole barn, which was inspected by the Building Department. All temporary trailers were removed from property, whatever permit from years ago, they were allowed to finish and pay the extra money. The house next door is owned by Korean farmers. That is where everyone will live. Mr. Murphree added that they will relocate the fence. Mr. Prusinowski stated if one looks at the existing easement boundary, the building is not the problem; it was the transformer. It was not the deer fence. It is an equal swap of the protection that was required when this was approved years ago. This is a dry pole barn. No water, and they already corrected the fence. On the next map everything will be okay. Then he will send him out to resurvey the property to get the final as-built. He will have Doug Adams take a look at the stormwater runoff result from the pole barn. There is a small apron in front of the pole barn; a small catch basin was put in. Mr. Murphree added that if the board is okay with the proposed change to the fence boundary as shown on the plan, the second item is to relocate the fence to the north. Third is an additional catch basin to address Mr. Gaudiello's comments. Mr. Carey asked if the storage containers would be removed; yes. Mr. Carey added that he would like what should and shouldn't be allowed captured in the resolution. He asked if they started without permits; Mr. Prusinowski stated they had permits. He also wants it to be certain that the rest of this is open space, nothing else! Mr. Carey added that it was not right to the people that lived over here (pointed to a section). Mr. Prusinowski answered that from what he read in the covenants, the only thing allowed is the pole barn and greenhouses. Mr. Carey stated there was a house there, too. Mr. Prusinowski replied that this is specific that this is it, greenhouses and pole barn; they cannot do anything else on the property. Mr. Carey wants to see that in the resolution. Mr. Prusinowski knows the covenants are filed. Mr. Carey added that is fine; he wants it restated in the resolution. Mr. Ehlers asked if they are moving the boundary. Will they move the fence or the boundary? Mr. Prusinowski stated they will move the boundary; there is a protection easement. Mr. Ehlers explained that will need a Town Board resolution and an Ag Advisory approval, a title report and new covenants. Do they really want to do all that to move the fence? Mr. Prusinowski answered that this boundary, if they just want to take a fraction of the line, and come on the other side of this thing; they can move the fence. He called the power company. To move the transformer is \$40,000. Mr. Densieski stated that it was preexisting. It was there when they preserved the land. Mr. Prusinowski stated the transformer wasn't. Mr. Ehlers explained not the transformer. Mr. Densieski asked if there is an easier way. Mr. Baier asked why they had a transformer. Mr. Prusinowski stated he took on this job and thought it was easy to help the applicant, but it got complicated. They had to get an attorney, amend the title report and refile covenants. Mr. Densieski asked who put the box there; no one knows. Mr. Carey stated that the area wasn't delineated when they decided to do it. Mr. Prusinowski added the house is not a problem; they could chop it. Unless someone with legal-ease can

determine a way to write this, they will just have to move the fence out if it doesn't constitute an encroachment on the easement protection; that would be the easier thing. Then they don't have to move the fence there. That is what he originally wanted to do; then, he saw the power transformer and then thought they could cut the corner of the shed. Mr. Ehlers stated the fence should go where the line is. Can they do that? Mr. Prusinowski stated they could definitely move the fence. If you moved the fence that leaves the utility structures; then it possibly can be determined to be de minimus. They are trying to legitimize these buildings, and when they did that they brought the buildings improperly located, and then they brought the map that they had not followed the rules on. If they get back to square, except for a slight encroachment, it could be de minimus. Mr. Prusinowski can get that fence moved. Mr. Ehlers explained that redoing the covenants and subdivision, the neighbors might have rights in those covenants. Mr. Ehlers added that this cannot be hashed out at this meeting; they need to huddle and come back. They cannot get further today. Mr. Carey stated they need a couple of weeks. They did vet the understanding publicly when they questioned it. He then asked Mr. Ehlers if they started this without an accurate survey. Mr. Prusinowski stated they hired Young & Young and did an as-built. When he saw the actual easement zone and saw what was done, he saw the problem. Mr. Carey added they need to look at the square footage. Mr. Prusinowski will measure the transformer and the corner of the house; he is pretty sure it is under 100 square feet.

PUBLIC HEARINGS

None.

PUBLIC COMMENTS ON RESOLUTIONS

None.

RESOLUTIONS

1. **Resolution No. 2018-074 – Baiting Hollow Cottage #22** – Resolution granting administrative site plan approval for a site plan application to demolish an existing 262 sq. ft. deck and construct a new expanded 612 sq. ft. deck on an existing single family residence at unit #22 of the Baiting Hollow Cottage Condominiums, on a parcel identified as SCTM No. 600-40.1-1-22, located at 356-22 Oakleigh Ave, Calverton within the RA40 zoning use district. (Greg Bergman)

Resolution #2018-074
Classifies Action Pursuant to SEQRA and Grants Administrative Approval
for Site Plan Application of Baiting Hollow Cottage #22
356-22 Oakleigh Avenue, Calverton, NY
SCTM No. 600-40.1-1-22

Dear Mr. Leytman:

The following resolution was duly adopted by the Town of Riverhead Planning Board at a meeting held on September 20, 2018:

WHEREAS, the Riverhead Planning Board is in receipt of a site plan application to demolish an existing 262 sq. ft. deck and construct a new expanded 612 sq. ft. deck on an existing single family residence at unit #22 of the Baiting Hollow Cottage Condominiums, located within the RA40 zoning use district in the hamlet of Baiting Hollow; and

WHEREAS, the subject parcel is located at 356-22 Oakleigh Avenue, Calverton, and more particularly described as SCTM #600-40.1-1-22; and

WHEREAS, the Riverhead Planning Department has received and reviewed plans including a one page site plan entitled "Survey for Alex Leytman Cottage 22 "Baiting Hollow Cottage Condominium," prepared and stamped by Howard W. Young, LS, last dated August 2, 2018; and

WHEREAS, the applicant has received authorization from the Baiting Hollow Cottage Condominium HOA/Board of Directors; and

WHEREAS, the Town of Riverhead Planning Board held and closed a public hearing on the site plan application on September 6, 2018; and

WHEREAS, pursuant to §301-304B(3)(g) of the Town Code of the Town of Riverhead, existing commercial buildings with floor areas of no greater than 4,000 square feet shall not require formal site plan review by the appropriate board, however, such commercial buildings shall be subject to informal review by the Planning Department and shall be required to comply with all statutory provisions set forth in this article, including but not limited to parking, landscaping, handicapped access and lighting; and

WHEREAS, the aforementioned site plan fits the criteria for administrative site plan review pursuant to §301-304B(3)(g); and

WHEREAS, the administrative site plan fee of \$500 has been paid in full; and

WHEREAS, the site plan application is classified as a Type II Action pursuant to 6NYCRR Part 617.5(c)(9), with no further environmental review required. Now

THEREFORE BE IT

RESOLVED, that the Town of Riverhead Planning Board hereby grants administrative site plan review for the aforementioned site plan application with the following conditions:

1. That the provisions of the Town Code of the town of Riverhead, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan.

2. The applicant must satisfy all requirements of the Building and Fire Code of New York State.
3. That no importation or exportation of materials will take place until a permit for such is obtained from the Town Board pursuant to §229-3A of the Town Code of the Town of Riverhead
4. That no further expansion of Cottage #22 of the Baiting Hollow Cottage Condominium shall take place without approval from the Town of Riverhead Planning Board.
5. That no Building Permit shall be issued until the Chairman of the Planning Board signs a mylar copy of the one page site plan. Prior to signature of the mylar, the following conditions shall be met:
 - i. The mylar plans shall not exceed the standard D size drawing (24" x 36").
 - ii. The plan shall be revised to correctly identify the Lot Number as 22.
6. That no Certificates of Occupancy shall be issued until:
 - i. The applicant schedules and receives inspections pursuant to §301-305F, specifically §301-305 F(1)(a) and §301-305 F(1)(c).

AND BE IT FURTHER

RESOLVED, that pursuant to §301-303F of the Town Code of the Town of Riverhead, this approval shall be valid for 36 months from the date of approval with the possibility of one 12 month extension by the Planning Board, upon a request of the applicant in writing made at least 30 days prior to the expiration of the original thirty-six month period; and be it further

RESOLVED, that the Clerk of the Planning Board is hereby authorized to forward a copy of this resolution to Thomas C. Wolpert, PE, 400 Ostrander Ave, Riverhead, NY 11901; the Riverhead Planning Department, the Riverhead Building Department; the Office of the Town Attorney; the Planning Board Attorney; the Town Clerk; and be it further resolved

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

Very truly yours,

Stanley Carey
Planning Board Chairman

A motion was made by Mr. Baier and seconded by Mr. Nunnaro that the aforementioned resolution be approved:

THE VOTE

BAIER X YES NO O'DEA X YES NO

NUNNARO X YES NO DENSIESKI X YES NO

CAREY X YES NO

THIS RESOLUTION X WAS WAS NOT
THEREFORE DULY ADOPTED

PUBLIC COMMENTS ON ALL MATTERS

Mr. Densieski asked Mr. Murphree if he still was in touch with Coscto on a regular basis. Mr. Murphree explained that he does speak with Brixmor. Mr. Densieski stated they are using blowers until 12:30 at night; blowers, landscaping equipment. Please ask them to cut it off at the hours required by Town Code. Some of the neighbors have some concerns with it. Mr. O'Dea asked how the electric car thing is working. Mr. Murphree stated Ferraris are passé now. He saw at least 20 different Teslas; that's where the movement is.

MEETING MINUTES OF THE BOARD

1. September 6, 2018 Minutes

A motion was made by Mr. Densieski, seconded by Mr. O'Dea, that the minutes be approved:

THE VOTE

BAIER X YES NO O'DEA X YES NO

NUNNARO X YES NO DENSIESKI X YES NO

CAREY X YES NO

THESE MINUTES X WERE WERE NOT
THEREFORE DULY ADOPTED

ADJOURN

A motion to adjourn was made by Mr. Nunnaro, seconded by Mr. O'Dea, that the meeting be adjourned:

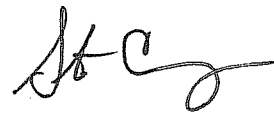
THE VOTE

BAIER X YES NO O'DEA X YES NO
NUNNARO X YES NO DENSIESKI X YES NO
CAREY X YES NO

THIS MOTION X WAS WAS NOT
THEREFORE DULY ADOPTED

Dated: October 4, 2018

Signed,
PLANNING BOARD

A handwritten signature in black ink, appearing to read 'Stanley Carey', written over a horizontal line.

Stanley Carey
Chairman